



**ASSEMBLY AMENDMENT 49,  
TO 2003 SENATE BILL 44**

June 19, 2003 – Offered by Representatives CULLEN and STASKUNAS.

1           At the locations indicated, amend the bill, as shown by senate substitute  
2           amendment 1, as follows:

3           **1.** Page 436, line 10: delete lines 10 to 25.

4           **2.** Page 437, line 1: delete lines 1 to 25, as affected by senate amendment 121  
5           to senate substitute amendment 1.

6           **3.** Page 438, line 1: delete lines 1 to 10, as affected by senate amendment 121  
7           to senate substitute amendment 1, and substitute:

8           “**SECTION 943mm.** 38.17 of the statutes is created to read:

9           **38.17 Levy limit.** (1) **DEFINITION.** In this section, “operating expenses” has  
10          the meaning given in s. 67.04 (1) (ag).

11          (2) **LIMIT.** Except as provided in subs. (3) and (4), no district board may increase  
12          its levy for operating expenses for any fiscal year to an amount that exceeds its levy  
13          for operating expenses for the previous fiscal year multiplied by 1.026.

1           **(3) ADJUSTMENTS.** (a) If a district board transfers to another governmental unit  
2 responsibility for providing any service that it provided in the preceding fiscal year,  
3 the limit otherwise applicable under sub. (2) in the current fiscal year is decreased  
4 by the cost that it would have incurred to provide that service, as determined by the  
5 department of revenue.

6           (b) If a district board increases the services that it provides by adding  
7 responsibility for providing a service transferred to it from another governmental  
8 unit that provided the service in the previous fiscal year, the limit otherwise  
9 applicable under sub. (2) in the current fiscal year is increased by the cost of that  
10 service, as determined by the department of revenue.

11           **(4) REFERENDUM.** (a) 1. A district board may exceed the levy limit under sub.  
12 (2) if it adopts a resolution to that effect and the resolution is approved in a  
13 referendum. The resolution shall specify the proposed amount of increase in the levy  
14 beyond the amount that is allowed under sub. (2).

15           2. Except as provided in subd. 3., the district board may call a special  
16 referendum for the purpose of submitting the resolution to the electors of the district  
17 for approval or rejection.

18           3. A referendum to exceed the limit under sub. (2) for the levy for the 2004–05  
19 fiscal year shall be held at the spring primary or election or September primary or  
20 general election in 2004.

21           (b) The district board shall publish type A, B, C, D, and E notices of the  
22 referendum under s. 10.01 (2). Section 5.01 (1) applies in the event of failure to  
23 comply with the notice requirements of this paragraph.

24           (c) The referendum shall be held in accordance with chs. 5 to 12. The district  
25 board shall provide the election officials with all necessary election supplies. The

1 form of the ballot shall correspond substantially with the standard form for  
2 referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1)  
3 (a). The question shall be submitted as follows: “Under state law, the percentage  
4 increase in the operating levy of the .... (name of district) for the next fiscal year, ....  
5 (year), is limited to ...%, resulting in an operating levy of \$.... Shall the .... (name  
6 of district) be allowed to exceed this limit such that the percentage increase for the  
7 next fiscal year, .... (year), will be ...%, resulting in an operating levy of \$....?”.

8 (d) Within 14 days after the referendum, the district board shall certify the  
9 results of the referendum to the department of revenue. The limit otherwise  
10 applicable to the district under sub. (2) is increased for the next fiscal year by the  
11 amount approved by a majority of those voting on the question.

12 (5) SUNSET. This section does not apply beginning 3 years after the effective  
13 date of this subsection .... [revisor inserts date].”.

14 **4.** Page 595, line 9: delete lines 9 to 25.

15 **5.** Page 596, line 1: delete lines 1 to 25, as affected by senate amendment 121  
16 to senate substitute amendment 1.

17 **6.** Page 597, line 1: delete lines 1 to 25.

18 **7.** Page 598, line 1: delete lines 1 to 6, as affected by senate amendment 121  
19 to senate substitute amendment 1, and substitute:

20 **“SECTION 1532m.** 66.0602 of the statutes is created to read:

21 **66.0602 Local levy limits. (1) DEFINITIONS.** In this section:

22 (a) “Operating expenses” has the meaning given in s. 67.04 (1) (ag).

23 (b) “Political subdivision” means a city, village, town, or county.

1           (c) “Valuation factor” means a percentage equal to the percentage change in the  
2 political subdivision’s January 1 equalized value due to new construction less  
3 improvements removed between the year before the previous year and the previous  
4 year, but not less than zero.

5           **(2) LEVY LIMIT.** Except as provided in subs. (3), (4), and (5), no political  
6 subdivision may increase its levy for operating expenses in any year by a percentage  
7 that exceeds the political subdivision’s valuation factor.

8           **(3) EXCEPTIONS.** (a) If a political subdivision transfers to another governmental  
9 unit responsibility for providing any service that the political subdivision provided  
10 in the preceding year, the levy increase limit otherwise applicable under this section  
11 to the political subdivision in the current year is decreased to reflect the cost that the  
12 political subdivision would have incurred to provide that service, as determined by  
13 the department of revenue.

14           (b) If a political subdivision increases the services that it provides by adding  
15 responsibility for providing a service transferred to it from another governmental  
16 unit that provided the service in the preceding year, the levy increase limit otherwise  
17 applicable under this section to the political subdivision in the current year is  
18 increased to reflect the cost of that service, as determined by the department of  
19 revenue.

20           (c) If a city or village annexes territory from a town, the city’s or village’s levy  
21 increase limit otherwise applicable under this section is increased in the current year  
22 by an amount equal to the town levy on the annexed territory in the preceding year  
23 and the levy increase limit otherwise applicable under this section in the current  
24 year for the town from which the territory is annexed is decreased by that same  
25 amount, as determined by the department of revenue.

1           **(4) REFERENDUM EXCEPTION.** (a) A political subdivision may exceed the levy  
2 increase limit under sub. (2) if its governing body adopts a resolution to that effect  
3 and if the resolution is approved in a referendum. The resolution shall specify the  
4 proposed amount of increase in the levy beyond the amount that is allowed under  
5 sub. (2). With regard to a referendum relating to the 2003 or 2005 levy, the political  
6 subdivision may call a special referendum for the purpose of submitting the  
7 resolution to the electors of the political subdivision for approval or rejection. With  
8 regard to a referendum relating to the 2004 levy, the referendum shall be held at the  
9 next succeeding spring primary or election or September primary or general election.

10           (b) The clerk of the political subdivision shall publish type A, B, C, D, and E  
11 notices of the referendum under s. 10.01 (2). Section 5.01 (1) applies in the event of  
12 failure to comply with the notice requirements of this paragraph.

13           (c) The referendum shall be held in accordance with chs. 5 to 12. The political  
14 subdivision shall provide the election officials with all necessary election supplies.  
15 The form of the ballot shall correspond substantially with the standard form for  
16 referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1)

17           (a). The question shall be submitted as follows: "Under state law, the increase in the  
18 operating levy of the .... (name of political subdivision) for the tax to be imposed for  
19 the next fiscal year, .... (year), is limited to ....%, which results in an operating levy  
20 of \$.... Shall the .... (name of political subdivision) be allowed to exceed this limit and  
21 increase the operating levy for the next fiscal year, .... (year), by a total of ....%, which  
22 results in an operating levy of \$....?"

23           (d) Within 14 days after the referendum, the clerk of the political subdivision  
24 shall certify the results of the referendum to the department of revenue. The levy  
25 increase limit otherwise applicable to the political subdivision under sub. (2) is

1 increased in the next fiscal year by the percentage approved by a majority of those  
2 voting on the question.

3 (5) EXCEPTION, CERTAIN TOWNS. A town with a population of less than 2,000 may  
4 exceed the levy increase limit otherwise applicable under this section to the town if  
5 the annual town meeting adopts a resolution to that effect. The limit otherwise  
6 applicable to the town under sub. (2) is increased in the next fiscal year by the  
7 percentage approved by a majority of those voting on the question. Within 14 days  
8 after the adoption of the resolution, the town clerk shall certify the results of the vote  
9 to the department of revenue.

10 (6) SUNSET. This section does not apply beginning 3 years after the effective  
11 date of the subsection .... [revisor inserts date].”

12 8. Page 598, line 9: after that line insert:

13 “SECTION 1553k. 66.1105 (6) (a) of the statutes is renumbered 66.1105 (6) (a)  
14 (intro.) and amended to read:

15 66.1105 (6) (a) (intro.) If the joint review board approves the creation of the tax  
16 incremental district under sub. (4m), positive tax increments with respect to a tax  
17 incremental district are allocated to the city which created the district for each year  
18 commencing after the date when a project plan is adopted under sub. (4) (g). The  
19 department of revenue may not authorize allocation of tax increments until it  
20 determines from timely evidence submitted by the city that each of the procedures  
21 and documents required under sub. (4) (d) to (f) has been completed and all related  
22 notices given in a timely manner. The department of revenue may authorize  
23 allocation of tax increments for any tax incremental district only if the city clerk and  
24 assessor annually submit to the department all required information on or before the

1 2nd Monday in June. The facts supporting any document adopted or action taken  
2 to comply with sub. (4) (d) to (f) are not subject to review by the department of revenue  
3 under this paragraph. After the allocation of tax increments is authorized, the  
4 department of revenue shall annually authorize allocation of the tax increment to  
5 the city that created the district until the soonest of the following:

6 1. The department of revenue receives a notice under sub. (8) and the notice  
7 has taken effect under sub. (8) (b), ~~27.~~

8 2. Thirty years after the tax incremental district is created if the district is  
9 created before October 1, 1995, ~~38.~~

10 3. Thirty-eight years after the tax incremental district is created if the district  
11 is created before October 1, 1995, and the project plan is amended under sub. (4) (h)

12 ~~3. or 23~~

13 4. Twenty-six years after the tax incremental district is created if the district  
14 is created after September 30, 1995, ~~whichever is sooner.~~

15 **SECTION 1533m.** 66.1105 (6) (am) 1. of the statutes is amended to read:

16 66.1105 **(6)** (am) 1. For a tax incremental district that is created after  
17 September 30, 1995, no expenditure may be made later than ~~7~~ 10 years after the tax  
18 incremental district is created, and for a tax incremental district that is created  
19 before October 1, 1995, no expenditure may be made later than ~~10~~ 13 years after the  
20 tax incremental district is created, except that, for a tax incremental district that is  
21 created before October 1, 1995, and which receives tax increments under par. (d), no  
22 expenditure may be made later than 12 years after the tax incremental district is  
23 created.

24 **SECTION 1533s.** 66.1105 (7) (am) of the statutes is amended to read:

